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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

**IN RE GOOGLE PLAY STORE
ANTITRUST LITIGATION**

THIS DOCUMENT RELATES TO:

Epic Games, Inc. v. Google LLC et al., Case
No. 3:20-cv-05671-JD

*In re Google Play Consumer Antitrust
Litigation*, Case No. 3:20-cv-05761-JD

State of Utah et al. v. Google LLC et al., Case
No. 3:21-cv-05227-JD

Match Group, LLC et al. v. Google LLC et al.,
Case No. 3:22-cv-02746-JD

Case No. 3:21-md-02981-JD

**DECLARATION OF LAUREN A.
MOSKOWITZ IN SUPPORT OF
STIPULATED [PROPOSED] ORDER
SHORTENING TIME TO BE HEARD
FOR MOTION PURSUANT TO RULE
37(c)(1) TO EXCLUDE TRIAL
TESTIMONY BY CARSON OLIVER**

Judge: Hon. James Donato

1 I, Lauren A. Moskowitz, declare as follows:

2 1. I am a Partner at Cravath, Swaine & Moore LLP, counsel to Epic Games, Inc. (“Epic”)
3 in the above-captioned actions.

4 2. I am admitted to appear before this Court *pro hac vice*. I submit this Declaration in
5 support of the parties’ Stipulated [Proposed] Order Shortening Time to Be Heard for Motion Pursuant
6 to Rule 37(c)(1) to Exclude Trial Testimony by Carson Oliver.

7 3. I have personal, first-hand knowledge of the facts set forth in this Declaration. If called
8 as a witness, I could and would competently testify to these facts under oath.

9 4. The parties seek an order shortening time on Plaintiffs’ Motion Pursuant to
10 Rule 37(c)(1) to Exclude Trial Testimony by Carson Oliver (the “Motion”). The parties seek a
11 shortening of time from 35 to 15 days so that the matter may be heard on October 12, 2023 at 10:00
12 a.m., when the Court has scheduled a pre-trial status conference. (*See* MDL Dkt. 603.)

13 5. Following the disclosure of Mr. Oliver on Google’s pretrial witness list on
14 September 12, 2023, the parties met and conferred several times regarding Plaintiffs’ intent to file the
15 Motion and an appropriate briefing schedule for it. The Parties have stipulated and agreed that briefs
16 in support of and in opposition to the Motion shall be limited to five pages, that Google’s opposition to
17 the Motion shall be filed on October 4, 2023, and that Plaintiffs shall not be permitted to submit a reply
18 in support of the Motion absent further order from this Court.

19 6. Hearing the Motion on October 12 will enable the Court to consider and decide upon
20 the Motion sufficiently in advance of trial, which is set to begin on November 6, 2023, so that the
21 parties can adjust their pre-trial preparations in accordance with the Court’s decision on the Motion.

22 7. The parties have negotiated and the Court has ordered several modifications to the
23 operative Rule 16 Scheduling Order in this case. Plaintiffs have not previously submitted the Motion,
24 however, so there have been no modifications with respect to this Motion.

